

May 03, 2022

SEAN F. MCAVOY, CLERK

AUSA: CAB

County: Asotin

In re Affidavit in Support of Criminal Complaint as to Jorge Ballesteros

State of Washington)

ss

County of Benton)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, John D'Aquila, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint seeking the arrest of Jorge Ballesteros for violating 21 U.S.C. § 841(a)(1), (b)(1)(C), Possession with Intent to Distribute Fentanyl.

2. I am a full time Detective for the Pasco Police Department ("PPD") and has been so employed since December 2014. I completed a 720-hour Basic Law Enforcement Academy in Spokane, Washington. Prior to that, I was a Correctional Officer for the Franklin County Corrections Center for approximately a year. In November 2014, I graduated the Washington State Criminal Justice Training Commission's 160-hour Correctional Officer Academy in Burien, Washington. In April 2018, I attended the classes, Basic Narcotic Investigations, Prosecuting Violent Crimes Associated with Drug Trafficking, Advanced Integration of Technology, Phones, Trackers, and Social Media into Investigations, Internet Profiling and Intelligence Gathering, and Fentanyl Facts and Fiction for Handling and Processing.

3. In my experience as a law enforcement officer, I have participated in numerous investigations, which have resulted in the issuance and executions of search warrants resulting in Affidavit of TFO D'Aquila (220MJ-00136) - 1

the seizure of drugs and other property, and the arrest and convictions of individuals. I am currently a Task Force Officer (“TFO”) with the Federal Bureau of Investigation’s (“FBI”) Southeast Washington Safe Streets Task Force (“SEWSSTF”). In that capacity, my duties include the investigation of all violations of Federal law and related criminal activities, including, but not limited to, drug offenses as contained within Title 21 of United States Code. I have participated multiple criminal investigations involving drug trafficking. This participation includes acting as the case agent and assisting other law enforcement officers. Through this participation, I have gained an understanding of the manner in which controlled substances are manufactured, and/or distributed, and the various roles members of such organizations serve in furtherance of the organization's drug trafficking and money laundering activities.

4. I have not included each and every fact known to me or other law enforcement officers. I have only included sufficient information to establish probable cause in support of this Criminal Complaint.

INVESTIGATION

5. On April 21, 2022, at approximately 8:31pm, Kennewick Police Department (“KPD”) officers were dispatched to the area of 9160 W. Arrowhead Ave in Kennewick, WA for a weapons complaint. A reporting party advised a male outside the location, later identified as Jorge BALLESTEROS (“BALLESTEROS”), had been shot in the chest multiple times. Officers arrived on scene as BALLESTEROS was transported to Kadlec Hospital where he was treated. Among his belongings was \$3,056.92 in U.S. currency. A majority of the currency was located in a folded and banded bundle in his left pants pocket, with \$141 of the currency in a right front pants pocket, and \$44 of the currency in the wallet in the rear pants pocket.

6. A citizen witness reported observing BALLESTEROS exiting a vehicle that was

Affidavit of TFO D’Aquila (220MJ-00136) - 2

still parked and running in the road and run towards her/his location as he (BALLESTEROS) was shot by a person near 9209 W Arrowhead Ave, Kennewick, WA. The witness also stated he/she observed another individual in the area.

7. KPD Detective Elizabeth Grant canvassed the area and was advised by multiple neighbors that 9209 W Arrowhead Ave, Kennewick, WA had heavy short-stay traffic from heavy narcotics use. Neighbors described cars showing up to the location and someone from house running out to the car and then they break contact and the car would drive off.

8. Det. Grant observed the previously described running vehicle as a black GMC Yukon, bearing Montana license plate DMK321. The vehicle contained a visible black backpack as well as a cellular phone that was ringing located in the center console. The vehicle was seized in anticipation of a state search warrant and sealed at secured lot of Mel's Towing 310 N Dayton St, Kennewick, WA.

9. On May 2, 2022, at approximately 9:45am, Det. Grant served a Benton County Superior Court warrant on the seized GMC Yukon. Det. Grant seized a silver Samsung cellular phone from the center seat. Det. Grant then opened the black backpack on the front center bench seat and observed a large gallon-size baggie with crystalline substance, that she believed to be methamphetamine, and a loaded .380 Ruger LCP2 handgun bearing serial number 380622160.

10. Det. Grant observed a criminal history of BALLESTEROS and determined it was unlawful for him to be in possession of a firearm. Det. Grant amended the warrant with Benton County Superior Court Judge Stam and continued searching. Located within the backpack was approximately 50 grams of methamphetamine, approximately 40 grams of a white powdery substance suspected to be cocaine, approximately 500-1,000 blue pills stamped "M 30" suspected to contain fentanyl (an exact pill count has not been completed), a digital scale, a black Affidavit of TFO D'Aquila (220MJ-00136) - 3

Samsung cellular phone, and dominion in the form of a W-2 for BALLESTEROS. The suspected methamphetamine later field tested presumptive positive for methamphetamine.


11. In the rear seat area of the vehicle was a size "Large" Camo jacket. This jacket appears consistent in size to BALLESTEROS physical build. In the zippered breast pocket was a baggie with approximately 100 "M 30" pills and two rolls of US currency. One roll contained \$50 in one-dollar bills and the other contained \$20 in one-dollar bills.

12. Based on my training and experience, the amount of controlled substances seized from the back pack is more than a user amount – it is a distribution amount. I know drug traffickers will sometimes carry their illicit proceeds on their person especially if a deal had just taken place. Drug traffickers will also keep firearms to protect their controlled substances and themselves while dealing in controlled substances. I believe the seized pills contain Fentanyl and they are consistent with pills previously seized that test positive for Fentanyl.

13. Based on the foregoing, I submit that there is probable cause to believe that on or about April 21, 2022, BALLESTEROS committed the offense of Possession with Intent to Distribute Fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

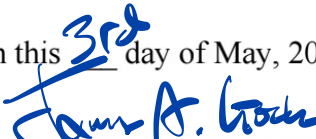
I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,


John D'Aquila
TFO FBI

Sworn to telephonically and signed electronically on this 3rd day of May, 2022.




James A. Goeke
United States Magistrate Judge